



ATTORNEYS AT LAW
50 TICE BOULEVARD
SUITE 250
WOODCLIFF LAKE, NJ 07677

TELEPHONE 201-474-7100
FACSIMILE 201-474-7101
www.cmlawfirm.com

CALIFORNIA
FLORIDA
GEORGIA
INDIANA
NEW JERSEY
NEW YORK
PENNSYLVANIA
WASHINGTON

WRITER'S DIRECT ACCESS
201-474-7100
mmoran@cmlawfirm.com

July 2, 2024

VIA CM/ECF

Hon. Michael A. Hammer, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street, Court Room 2C
Newark, New Jersey 07102

Re: Garcia v. City of Perth Amboy, et al.
Civil Action No. 23-22903 (BRM/MAH)

Dear Judge Hammer:

As Your Honor is aware, this firm represents Defendants, City of Perth Amboy, Sergeant Panagioti Boulrieris, and Ptl. Anthony Garcia, in the above-referenced matter, which is scheduled for a telephonic status conference on July 8, 2024 at 4:00 p.m. On June 5, 2024, this Court entered an Order compelling the New Jersey Department of Children and Families' (the "Department") child abuse and neglect investigation file concerning J.C.G. and A.G. See ECF No. 28. The parties have met and conferred with counsel for the Department, Elizabeth S. Sherwood, DAG, and have agreed to the Court's in camera review of the Department's investigation summaries resulting from the June 7, 2014 incident that forms the basis of the Complaint in this matter prior to their release to the parties. See In re Z.W., 975 A.2d 938, 940 (N.J. Super. Ct. App. Div. 2009) (providing that a court must undertake an in camera review to discern whether the Department's records are

Hon. Michael A. Hammer, U.S.M.J.

July 2, 2024

Page 2

necessary to determine an issue before it prior to release to third parties not identified in the statute).

Accordingly, enclosed for the Court's review and approval, please find a consent order for an in camera review of the Department's investigation summaries. If this proposal meets the Court's approval, counsel respectfully request that the Court approve it by executing the Court's signature on the order.

Thank you for Your Honor's time and attention to this matter.

Respectfully submitted,

**CRUSER, MITCHELL, NOVITZ, SANCHEZ,
GASTON & ZIMET, LLP**

/s/ Michael T. Moran

MICHAEL T. MORAN

cc: Glenn A. Garber, Esq. (via CM/ECF)

Elizabeth S. Sherwood, DAG (via email)
Counsel for Non-Party, New Jersey
Department of Children and Families

CRUSER, MITCHELL, NOVITZ, SANCHEZ, GASTON & ZIMET, LLP

Douglas V. Sanchez, Esq. – 039851989

Michael T. Moran, Esq. – 251732019

50 Tice Boulevard, Suite 250

Woodcliff Lake, New Jersey 07677

(201) 474-7100

mmoran@cmlawfirm.com

Attorneys for Defendants,

City of Perth Amboy, Sergeant Panagioti Boulrieris, and Ptl. Anthony Garcia

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY
NEWARK VICINAGE**

JOSE L. GARCIA,

Plaintiff,

v.

CITY OF PERTH AMBOY, SERGEANT
PANAGIOTI BOULIERIS, PTL. ANTHONY
GARCIA,

Defendants.

Hon. Brian R. Martinotti, U.S.D.J.

Hon. Michael A. Hammer, U.S.M.J.

Civil Action No. 23-22903 (BRM/MAH)

**STIPULATION AND ORDER FOR IN
CAMERA REVIEW**

THIS MATTER having come before the Court by Cruser, Mitchell, Novitz, Sanchez, Gaston & Zimet, LLP (Michael T. Moran, Esq., appearing), attorneys for Defendants, City of Perth Amboy, Sergeant Panagioti Boulrieris, and Ptl. Anthony Garcia (collectively, “Defendants”); Glenn A. Garber, P.C. (Glenn A. Garber, Esq., appearing), attorneys for Plaintiff, Jose L. Garcia (“Plaintiff”); and Matthew J. Platkin, Attorney General of New Jersey (Elizabeth S. Sherwood, DAG, appearing), attorneys for Non-Party, New Jersey Department of Children and Families (the “Department”); whereas the Court having entered an Order in the above-captioned matter on June 5, 2024 compelling production of the Department’s child abuse and neglect investigation file

concerning J.C.G. and A.G., see ECF No. 28; and the Court having considered the matter and upon good cause shown,

IT IS on this _____ day of July, 2024

ORDERED that the Department is hereby directed to produce its investigation summaries resulting from the June 7, 2014 incident that forms the basis of Plaintiff's Complaint to the Court for an in camera review to determine whether the investigation summaries are subject to disclosure to Plaintiff and Defendants in the above-captioned civil action, see In re Z.W., 975 A.2d 938, 940 (N.J. Super. Ct. App. Div. 2009) (providing that a court must undertake an in camera review to discern whether the Department's records are necessary to determine an issue before it prior to release to third parties not identified in the statute); and it is further

ORDERED that the Department shall produce its investigation summaries resulting from the June 7, 2014 incident that forms the basis of Plaintiff's Complaint to the Court for an in camera review within seven (7) of the date of this Order; and it is further

ORDERED that the Court shall only release said records to counsel upon a determination that (1) said records are relevant and necessary to determination of an issue before the court; and (2) the information is unavailable from any alternate source; and (3) the information contained therein could have the effect of changing the outcome of the matter; and it is further

ORDERED that, in the event that the Court determines that the investigation summaries are subject to disclosure, the Court shall make the Department's investigation summaries resulting from the June 7, 2014 incident that forms the basis of Plaintiff's Complaint available to Plaintiff and Defendants, pursuant to the Confidentiality Order entered on March 21, 2024, see ECF No. 17; and it is further

ORDERED that should the Court order the release of records to counsel, the information contained therein shall be used only for the pending matter before the Court and shall not be released and used in any other matter in the absence of further Order of the Court, and upon proper notice to the Office of the Attorney General and to the Department of Children and Families; and it is further

ORDERED that any released information, or documentation contained in or derived from said records shall not be disclosed to any other person or entity for any other reason nor disseminated or made public by any means, direct or indirect; and it is further

ORDERED that the use of information contained or derived from said records for any purpose shall be a violation of this Order and subject to the contempt powers of the Court; and it is further

ORDERED that upon disposition of this matter, the records will be promptly shredded.

HON. MICHAEL A. HAMMER, U.S.M.J.

I hereby consent to the entry of the foregoing Order.

GLENN A. GARBER, P.C.

/s/ Glenn A. Garber

Glenn A. Garber, Esq.

Attorneys for Plaintiff, Jose L. Garcia

Dated: July 2, 2024

I hereby consent to the entry of the foregoing Order.

**CRUSER, MITCHELL, NOVITZ, SANCHEZ,
GASTON & ZIMET, LLP**

/s/ Michael T. Moran

Michael T. Moran, Esq.

Attorneys for Defendants, City of Perth Amboy,
Sergeant Panagioti Boulrieris, and Ptl. Anthony
Garcia

Dated: July 2, 2024

I hereby consent to the entry of the foregoing Order.

**MATTHEW J. PLATKIN
ATTORNEY GENERAL OF NEW JERSEY**

/s/ Elizabeth S. Sherwood

Elizabeth S. Sherwood, DAG

Attorneys for Non-Party, New Jersey Department of
Children and Families

Dated: July 2, 2024